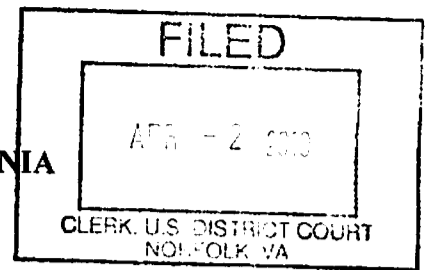


UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



SHAUN WOODHOUSE, #362981,

Petitioner,

v.

ACTION NO. 2:09cv413

GENE M. JOHNSON, Director,

Respondent.

FINAL ORDER

Petitioner, a Virginia inmate, submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition alleges violation of federal rights pertaining to petitioner's conviction on June 26, 2006, in the Circuit Court for the City of Suffolk for possession of a firearm by a convicted felon, as a result of which he was sentenced to serve five years in the Virginia penal system with three years suspended.


The petition was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Magistrate Judge's Report and Recommendation filed March 3, 2010, recommends dismissal of the petition because the Virginia Supreme Court previously adjudicated the claims on the merits, and none of the statutory exceptions that would allow this Court to grant relief on the claims apply. The Court has received no objections to the Report and Recommendation and the time for filing objections has expired.

The Court does hereby accept the findings and recommendations set forth in the Report and Recommendation filed March 3, 2010, and it is therefore ORDERED that Respondent's Motion to

Dismiss be GRANTED, and that the petition be DENIED and DISMISSED. It is further ORDERED that judgment be entered in favor of Respondent.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty days from the date of entry of such judgment. Petitioner has failed to demonstrate “a substantial showing of the denial of a constitutional right,” therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

The Clerk shall mail a copy of this Final Order to Petitioner and to counsel of record for Respondent.

  
\_\_\_\_\_  
Raymond A. Jackson  
United States District Judge

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia  
April 2, 2010